IN THE

Supreme Court of the United States

October Term, 1943

Number.....

LOCAL No. 6167
UNITED MINE WORKERS OF AMERICA,
AN UNINCORPORATED ASSOCIATION
AFFILIATED WITH THE INTERNATIONAL
UNION, UNITED MINE WORKERS
OF AMERICA, ET ALS.,
Petitioners.

versus

JEWELL RIDGE COAL CORPORATION,
A CORPORATION,
Respondent.

BRIEF OF PETITIONERS

We feel that the law has been clearly stated in the recent decision of this Court in the case of Tennessee Coal, Iron and Railroad Company vs. Muscoda Local No. 123 etc. No. 409, March 27, 1944. The applicable decisions are therein considered. We could add nothing to the legal presentation contained in that opinion.

The facts in the case are not in dispute. There were no contradictions between witnesses by which to call into

exercise the function of the Trial Judge in weighing the credibility of witnesses. The facts found by him conclusively establish the existence of work weeks in excess of 40 hours if the portal to portal rule governs. In truth, the parties expressly stipulated this at Page 407 of the Record.

The Record is merely a word picture of two coal operations. That picture is just as visible to this Court as it was to the Trial Judge. He saw perhaps a different play of lights and shadows from that appearing to us in the picture. But he described enough of the material and essential objects that make up the mining operations to compel the conclusion that the men appearing in the picture were employed or at work within the meaning of the Fair Labor Standards Act.

The legal conclusions in the judgment of the District Judge do not square with the facts nor with the views of this Court. It is in the public interest that the error be corrected speedily.

Respectfully submitted,

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